

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRUCE BROOKS,

Petitioner,

v.

CONNIE GIPSON, Warden,

Respondent.

No. C 13-01352 BLF (PR)

**ORDER DENYING PETITIONER'S
MOTION TO IMPOSE
SANCTIONS ON RESPONDENT**

(Docket No. 45)

Petitioner, a California prisoner, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state conviction. Petitioner has filed an “objection to magistrate’s order [and] motion to impose sanctions against defendant’s [*sic*].” (Docket No. 45.) Petitioner objects to the Court’s Order filed on June 5, 2015, denying his request to vacate a previous court order granting Respondent an extension of time to file an answer in this matter and to impose sanctions. (*See* Docket No. 40.) The Court denied the motion because Respondent had shown good cause for the extension and had served Petitioner at the address listed on the docket. (*Id.*)

Petitioner now argues that the motion was improperly denied “based on the presumption that it was Petitioner’s fault that the Respondent failed to respond because of a bogus address on Petitioner which the State (might) have on file.” (Docket No. 45.)

1 Petitioner is simply mistaken in believing that the Court attributed responsibility for
2 Respondent's failure to respond on Petitioner. The Court simply pointed out that the
3 address which Respondent used to serve Petitioner was the one indicated on the docket,
4 which is also the same address Petitioner has indicated on the instant motion. (See
5 Docket Nos. 35-1, 35-2, 40 and 45.) Accordingly, the Court reasonably determined that
6 the fact that Petitioner did not receive notice of Respondent's motion[s] could not be
7 attributed to Respondent. Because Respondent showed good cause for the request for
8 extension of time and properly served Petitioner, there was no basis for imposing
9 sanctions. Accordingly, Petitioner's motion is DENIED.

10 Petitioner is reminded that Respondent filed an answer to the Court's Order to
11 Show Cause on August 7, 2015, a copy of which was mailed to Petitioner on the same
12 day. (See Docket No. 43-2.) Accordingly, Petitioner's traverse is currently due within
13 thirty (30) days of his receipt of the answer. (See Docket No. 34 at 5.)

14 This order terminates Docket No. 45.

15 **IT IS SO ORDERED.**

16 DATED: Aug 19, 2015


BETH LABSON FREEMAN
United States District Judge